

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BONIFACIO CHAVEZ-TORRES,  
Defendant.

Case No. CR00-5585FDB

**ORDER DENYING MOTION FOR  
RETURN OF PROPERTY**

Defendant Chavez-Torres moves for the return of \$7,150.00 in U.S. currency that was seized by arresting DEA agents at his premises in Eatonville, Washington on August 15, 2000. Defendant asserts that the seized property belongs to Maria Esmeralda Cisneros that she obtained through her jewelry business that she conducted from a rented trailer.

The United States responds that the amount seized was \$6,189.00 and that notice pursuant to RCW 69.50.505 was provided to Chavez-Torres by certified mail on August 16, 2000 to the Eatonville address. U.S. Postal Service records show that the notice was received on August 21, 2000. On or about August 25, 2000, Defendant's attorney, George Paul Trejo, of Yakima, Washington filed a Notice of Claim on behalf of Bonificio Chavez-Torres. No claim was ever filed by Maria Esmeralda Cisneros.

## ORDER - 1

1 The matter of the seized property is pending in the administrative process of the Pierce  
2 County Sheriff. RCW 69.50.505(5), and see *State v. Alaway*, 64 Wn. App. 796 (1992) re the  
3 statutory power of a court to seize property. Defendant's attorney, Mr. Trejo, need only call to  
4 schedule a hearing.

5 ACCORDINGLY, IT IS ORDERED: Defendant's Motion for Return of Property [Dkt. #  
6 178] is DENIED, there being a forfeiture matter concerning the subject property currently pending  
7 pursuant to RCW 69.50.505.

8 DATED this 23<sup>rd</sup> day of August, 2006.

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11 FRANKLIN D. BURGESS  
12 UNITED STATES DISTRICT JUDGE  
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